

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA]	
]	
v.]	Cr. No. 19-cr-142-LM
]	
NATHAN CRAIGUE]	

**MOTION TO EXCLUDE MCKENNA’S CAUSE OF DEATH AS REFERENCED IN
INDICTMENT**

Pursuant to its January 20, 2021 order, the Court excluded evidence concerning the cause of McKenna’s injury/death in 2018 as well as evidence of unsafe work equipment or worksites. *See* Doc. 70 at 6, 8. Count One of the Superseding Indictment alleges that Mr. Craigue made “a materially false, fictitious, and fraudulent statement and representation, by stating to an OSHA Compliance Safety & Health Officer that *KM, who had died as a result of a workplace accident* earlier that day, and NF were subcontractors and were not employees of the defendant or his business, when, in truth and in fact, as the defendant then and there knew, KM and NF were employees and not subcontractors.” (Emphasis added). In other words, a jobsite accident caused McKenna’s death. The Court previously ruled the cause and details of his death inadmissible. *See* Fed. R. Evid. 401-403; Doc. 74 at 84-87.

In keeping with the spirit of the Court’s order, Craigue requests that the Court avoid exposing the jury to that language or phrase “died as a result of a workplace accident” when reading the indictment to the jury or providing any portion of the indictment to the jury at the close of the case. Additionally, Craigue requests the Court to preclude the government from reading that language to the jury.

The government objects.

WHEREFORE, Craigue respectfully requests that this Honorable Court limit the jury's exposure to language in the indictment referencing KM died as a result of a workplace accident.

Respectfully submitted,

Date: April 20, 2021

/s/ Dorothy E. Graham

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CERTIFICATE OF SERVICE

I hereby certify that the above document was served on the following person on and in the manner specified herein: electronically served through CM/ECF to AUSA John Davis , AUSA Aaron Gingrande and AUSA Anna Dronzek.

/s/Dorothy E. Graham

Dorothy E. Graham